

9991. Misbranding of cottonseed feed. U. S. * * * v. Kerens Cotton Oil Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 11139. I. S. No. 5933-r.)

On February 3, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kerens Cotton Oil Co., a corporation, Kerens, Tex., alleging shipment by said company, on or about November 30, 1918, in violation of the Food and Drugs Act, from the State of Texas into the State of Kansas, of a quantity of cottonseed feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.13 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the tags attached to the sacks containing the said article, to wit, "Protein not less than 41.20 per cent," was false and misleading in that it represented to purchasers thereof that the said article contained not less than 41.20 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41.20 per cent of protein, whereas, in fact and in truth, the said article did contain less than 41.20 per cent of protein.

On June 22, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9992. Misbranding of Milco mixed feed. U. S. * * * v. Empire Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 11799. I. S. No. 16155-r.)

On February 19, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Cotton Oil Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 28, 1918, from the State of Georgia into the State of South Carolina, of a quantity of Milco mixed feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 3.0 per cent of crude fat, 26.6 per cent of crude fiber, 18.1 per cent of crude protein, 2.9 per cent of nitrogen, and 3.5 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Nitrogen 3.20%, Equivalent to Ammonia 3.90% Protein 20.00% Fat 4.00% Fibre 22.00%," attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained 3.20 per cent of nitrogen, equivalent to ammonia 3.90 per cent, not less than 20 per cent of protein, not less than 4 per cent of fat, and not more than 22 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 3.20 per cent of nitrogen, equivalent to ammonia 3.90 per cent, not less than 20 per cent of protein, not less than 4 per cent of fat, and not more than 22 per cent of fiber, whereas, in truth and in fact, the said article did contain less than 3.20 per cent of nitrogen equivalent to ammonia 3.90 per cent, less than 20 per cent of protein, less than 4 per cent of fat, and more than 22 per cent of fiber.

On October 18, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*